

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-12 are rejected under 35 U.S.C. 103(a) over the patent to Scott '562 in view of the patent to Scott '090.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicant has amended claim 1, the broadest claim on file, by introducing into it the features of claims 8 and 10.

It is first of all respectfully submitted that the amendment to claim 1 does not raise any issues for examination and/or search, since the features which are now introduced in claim 1 were defined in claims 8 and 10 and were examined by the Examiner before the Final Office Action. It is also respectfully submitted that the new features of the present invention which are now defined in claim 1 clearly and patentably distinguish the present invention from the prior art applied by the Examiner.

In particular, in addition to other features, it is now added to claim 1 that both the operator control elements and the information fields

shown by the display are programmable, and the processor allows a configuration in which the processor offers configuration menus.

Turning now to the references and particularly to the patent to Scott '562, it is respectfully submitted that claim 1 defines the device which is different from the device disclosed in the patent to Scott '562 for the following reasons.

The patent to Scott '562 does not disclose that the operator control elements are shown by the display, because the operator control elements of this reference are a keypad 106.

Furthermore, the keypad 106 is not programmable in this reference, because it is hardwired.

Furthermore, the Examiner mentioned in column 6, lines 13-30, 63-column 7, line 5 and he indicated that the patent to Scott '562 discloses a processor with software. The operator control elements of the patent to Scott '562, like the keypad '310, and the information field of the patent to Scott '562, like the LED '306 are connected to the access control interface processor 316. In applicant's opinion there is no indication that the processor 316 is programmable in order to reprogram the control elements

or the information fields and there is no motivation for a skilled person in the art to modify the patent to Scott '562 in this way.

The patent to Scott '562 furthermore does not disclose configuration menus. Menus are characterized in that a user can select a function from the collection of different options. There is no motivation for a skilled person to modify the patent to Scott '562 in this direction. Instead, this reference discloses that the display 104 provides status information, as specifically explained in column 3, lines 44-45.

The advantage of the device for information input and output in accordance with the present invention as now defined in the amended claim 1 is that it is an all-purpose device. This is accomplished by the combination of a display with a touch-sensitive layer, a frame that is suitable for both a recessed and a surface-mounted socket, programmable control elements and information fields and configuration means.

The patent to Scott '090 also does not teach the above mentioned new features of the present invention.

As for the obviousness rejection applied by the Examiner against the original claims and based on the combination of these two

references, it is respectfully submitted that any combination of the references would lead to a hypothetical instruction which would still not include the above listed new features of the present invention.

In order to arrive at the applicant's invention from the references in combination, the references have to be fundamentally modified by including into them the above mentioned new features of the present invention, which were first proposed by the applicant. It is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification. This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in *re Randol and Redford* (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any hint or suggestion or such modifications.

Also, as explained herein above, the present invention provides for the highly advantageous results which can not be accomplished by the constructions disclosed in the references. It is well known that in order to

support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case *Ex parte Tanaka, Marushima and Takahashi* (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that the claim 1 as amended should be considered as patentably distinguishing over art and should be allowed.

The other claims depend on claim 1, they share its presumably allowable features, it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance,

then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker
Attorney for Applicants
Reg. No. 27233